

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2009-007427-023 DT

10/19/2009

HON. ROLAND J. STEINLE

CLERK OF THE COURT
L. Rubalcaba
Deputy

STATE OF ARIZONA

APRIL ARLENE SPONSEL
ANTHONY CHURCH

v.

ERIC NAVARRO (023)

HENRY J FLORENCE

VICTIM SERVICES DIV-CA-CCC

INITIAL PRETRIAL CONFERENCE

10:31 a.m. This is the time set for an Initial PreTrial Conference.

State's Attorney:	Lando Voyles for April Sponsel
Defendant's Attorney:	Henry Florence
Defendant:	Present
Court Reporter:	Janell Rose

The Court has conducted an initial pretrial conference (IPTC) this date.

Based upon the avowals made to the Court by the parties, the Court finds/orders as follows:

The Court finds that the State did not comply with Rule 15.1(a) as previously ordered by the Court.

The State has not complied with all discovery under Rule 15.1(b).

As a sanction, the Court will impose the following deadlines:

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IT IS ORDERED the State comply and produce discovery on or before November 2, 2009.

The Defense has complied with all discovery under Rule 15.2(b).

IT IS FURTHER ORDERED that the State and the Defendant shall comply with Rule 15.1(e) and Rule 15.2(e) within 25 days of the IPTC.

Under Rule 15.1(b)(4), the State was required to disclose any expert together with the results of any scientific tests and/or comparisons. The State has failed to comply with Rule 15.1(b)(4). As a sanction, the Court imposes the following deadlines:

IT IS ORDERED that the State must disclose the name of the Expert Witness together with the result of any scientific tests and/or comparisons no later than 25 days from IPTC.

If the State and/or Defense wish to offer Expert evidence on a subject other than drug analysis, the proponent of the evidence shall provide the name and address, the subject matter on which the expert is expected to testify and a summary of the facts and opinions to which the expert is expected to testify. Each party shall confer with their named expert in order to ascertain whether there exists additional information which should be disclosed including but not limited to any examination notes, testing records, or other matters contained in the expert's file under Rule 15.1(e) and Rule 15.2(e). The deadline for this disclosure is 25 days from the IPTC.

Any request to extend the deadline set this date must be done pursuant to Rule 15.6(d). Failure to request an extension may result in the preclusion of the evidence.

IT IS ORDERED directing counsel to set up and participate in a settlement conference prior to the plea cut off date. The settlement conference shall be scheduled prior to the Comprehensive Pretrial Conference.

IT IS FURTHER ORDERED that pursuant to Rule 17.4(a) that counsel with authority to settle the case shall participate in a good faith discussion with the settlement court regarding a non-jury or no-trial resolution which conforms to the interests of justice.

IT IS FURTHER ORDERED that counsel for Defendant shall conduct a conflicts check for all witnesses listed by the State, and if necessary counsel for Defendant shall file a Motion to Withdraw.

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IT IS ORDERED setting this matter for a **Hearing on Discovery and Motion to modify release conditions for November 2, 2009 at 8:30 a.m. before Judge Steinle.**

Last Day: 05/31/2010 (0 DAYS EXCLUDED)

A DEFENDANT'S FAILURE TO APPEAR AT THE COMPREHENSIVE PRETRIAL CONFERENCE OR THE TRIAL MAY RESULT IN A BENCH WARRANT BEING ISSUED FOR HIS OR HER ARREST AND THE CPC AND TRIAL BEING CONDUCTED IN THE DEFENDANT'S ABSENCE.

THE TRIAL DATE SHALL NOT BE CONTINUED UNLESS A WRITTEN MOTION TO CONTINUE IS FILED AT LEAST 5 DAYS BEFORE THE TRIAL. A CONTINUANCE WILL NOT BE GRANTED UNLESS THE MOTION SHOWS THAT EXTRAORDINARY CIRCUMSTANCES EXIST. (Rule 8.5, Rules of Criminal Procedure and guidelines thereto.)

Defendants seeking reconsideration rulings of the Court on a Motion to Modify Release conditions or a Motion for Rule 11, said motion shall be done by a Motion for Reconsideration. All Motions for Reconsideration, however denominated, shall be submitted without oral argument or without response or reply. No Motion for Reconsideration shall be granted without the Court granting an opportunity for a Response.

IT IS FURTHER ORDERED affirming prior custody orders.

10:34 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>

NOTICE: IT IS THE RESPONSIBILITY OF COUNSEL TO NOTIFY THE COURT BEFORE WHICH A HEARING WILL BE HELD 48 HOURS IN ADVANCE OF ANY HEARING NEEDING AN INTERPRETER FOR A VICTIM OR A WITNESS. (10 BUSINESS DAYS FOR ANY LANGUAGE OTHER THAN SPANISH.)